


King County

**Department of Development and Environmental Services
Land Use Services Division**

900 Oakesdale Avenue Southwest
Renton, Washington 98055-1219
206-296-6600 TTY 206-296-7217

PAUE APPLICATION: INSTRUCTIONS & INFORMATION

For alternate formats, call 206-296-6600.

General Information

The following is a summary of the Public Agency and Utility Exception (PAUE) process and a description of the application submittal requirements. The information for a PAUE application is necessary in order to evaluate the merits of a proposal with applicable county and state regulations and to assess the potential community environmental impacts.

An application will be evaluated on the basis of the information provided by the applicant, the King County Comprehensive Plan, pertinent provisions of the King county Code, site inspection, and comments submitted by citizens and interested public agencies. If the subject property is located within an identified landslide, erosion, steep slope, seismic, avalanche or coal mine hazard or wetland or stream area, the applicant may be required to submit a special study produced by a qualified professional to address the identified critical area features on the subject property.

Copies of the King County Code and Comprehensive Plan are available for inspection at the DDES Permit Center and at the Main Branch of the Seattle Public Library. King County Code and other developmental regulations are also available online via the King County Web site at www.metrokc.gov.

Questions related to PAUEs may be answered by calling or contacting:

Department of Development and Environmental Services
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Renton, WA 98055-1219
Telephone: 206-296-6600 TTY: 206-296-7217

Pre-Application Conference

A pre-application conference with Land Use Services Division (LUSD) staff is required prior to filing a PAUE application. Pre-application request forms and instructions for filing a pre-application conference request are available at the DDES Permit Center or online via the DDES Web site at www.metrokc.gov/ddes. A filing fee is required at the time a request is made, the amount to be determined at the time of filing and based on the latest adopted fee ordinance. LUSD staff will schedule the pre-application conference within thirty days from the date of the request.

Filing an Application

A PAUE application must be filed in person at the DDES Permit Center. An appointment with a permit review coordinator is required to file the application. Please call 206-296-6797 to schedule the appointment. The minimum submittal requirements necessary to file the application are described in this document. LUSD staff has 28 days from the date of the filing to determine whether or not the application is complete. An application that fails to meet the submittal requirements described herein will be deemed incomplete.

Notice of Application

Public Comment Period: After LUSD staff determines that a PAUE application is complete, a notice of application is issued as specified below. The minimum public comment period is 21 days, although public comments may be submitted and considered until the time of the decision.

1. LUSD sends out a notice of the application to property owners within a 500-foot radius of the subject property.

If the area is rural or lightly populated, the notice must be mailed to at least 20 different property owners; or, in other appropriate cases, the division may determine it is necessary to notify additional property owners.

2. A notice of the application will be published by LUSD in the official county newspaper and another newspaper of general circulation.
3. The applicant is required to install a notice board that must be placed in a conspicuous place on the property throughout the permit process so that it is visible to people passing by the property. Additional notice boards may be required as determined by LUSD.

The cost of the board is the applicant's responsibility. LUSD will send the applicant written instructions regarding the specific requirements for the notice board.

4. Notice of the application is also provided to anyone who writes to the division requesting information regarding the PAUE request.

Method for Processing

The director of the Department of Development and Environmental Services has appointed the director of the Land Use Services Division to make final decisions regarding PAUES. This process generally takes 120 days provided no appeals are filed or substantial additional information is required. Upon conclusion of review of the PAUE application materials, the LUSD director issues a written decision based on the written record. A copy of the decision is mailed to all parties who have written to the division. There is a 14-day appeal period whereby an aggrieved person can file an appeal together with an appeal filing fee to the King County hearing examiner.

In those cases where a proposed action for a PAUE also requires other county permits, the following procedures shall apply:

1. When other permits require a public hearing before the hearing examiner, the review of the PAUE shall be combined with the other permit or permits, and the examiner shall act on behalf of the LUSD director for the purpose of the PAUE decision.
2. When other permits are administratively approved, review of the PAUE application may be combined with other permits dependent on the granting of a PAUE. If not combined, other permits may proceed prior to review and approval of such PAUE.
3. In those cases where the hearing examiner is presiding, the examiner will also act as the decision-maker and rule on the PAUE.
4. In all cases of combined review, the most informative provisions for notification and processing shall govern the review of PAUE requests.
5. No permit shall be approved without prior review and approval of any required PAUE.

Criteria for Approval of a PAUE

The following is from Chapter 21A of the King County Code (KCC):

K.C.C. 21A.24.070(A) Exceptions. If the application of this chapter would prohibit a development proposal by a public agency and utility, the agency or utility may apply for an exception pursuant to this subsection:

1. The public agency or utility shall apply to the department and shall make available to the department other related project documents such as permit applications to other agencies, special studies and SEPA documents.
2. The department shall review the application based on the following criteria:
 - a. there is no other practical alternative to the proposed development with less impact on the critical area; and
 - b. the proposal minimizes the impact on critical areas.
3. The department shall process exceptions, provide public notice, provide opportunity for the public to request a public hearing and provide an appeal process consistent with the provisions of K.C.C. 20.20.
4. This exception shall not allow the use of the following critical areas for regional stormwater management facilities, except where there is a clear showing that the facility will protect public health and safety or repair damaged natural resources:
 - a. Class 1 streams or buffers;
 - b. Class 1 wetlands or buffers with plant associations of infrequent occurrence; or
 - c. Class 1 or 2 wetlands or buffers which provide critical or outstanding habitat for herons, raptors or state or federal designated endangered or threatened species unless clearly demonstrated by the applicant that there will be no impact on such habitat.

Applicants should be aware that there are other procedures for resolving critical areas issues as described in this document. An applicant may wish to discuss these options with a planner from the Land Use Services Division.

1. Appeals (KCC 21A.24.030): Any decision, condition approvals or denied development proposal may be appealed according to and as part of the appeal procedure for the permit or approval involved.
2. Variances from standards set forth under the Critical Areas Chapter: Procedures contained in KCC 21A.44.030 are applicable.

Submittal Requirements for Filing a PAUE Application

Unless otherwise noted, the following listed items are required to be submitted at the time of application.

1. Application for Land Use Permit: Submit one original and two copies.
2. Legal Description: Submit one copy.

On a piece of white, legal-size 8½-by-14-inch paper, type the legal description of the subject property and attach it to the application. The legal description of the property may be obtained from the King County Department of Assessments. **Be absolutely sure the description is correct and agrees with the property outlined on the assessor's map.** A current legal description is necessary before the application is acceptable. If the legal description is written from a survey map, the map should accompany the description along with the assessor's map outlined in red.

3. Assessor's Maps: Submit one set.

Submit up-to-date prints of the assessor's ¼-section maps covering the area within the application and all property within 500 feet of the boundaries of it. Outline subject property in red pencil and give a parcel number to each ownership. Prints of these maps must be ordered from the King County Department of Assessments, Room 700A, King County Administration Building, 500 4th Avenue, Seattle, 206-296-7300. (Full sheet assessor maps are required as part of the submittal package. Do not cut, tape or alter the maps.)

4. Application for PAUE: Submit three copies.
5. Site Plan – drawn to a convenient engineer scale: Submit six copies.

Provide on cover sheet:

- A 6-by-6-inch blank space in the lower right hand corner for DDES identification stamps
- Name, address and day telephone number of owner
- Name, address and day telephone number of registered engineer, land surveyor, architect or planner
- Existing zone classification
- Acreage within property boundaries (not required for road or utility line projects)
- Proposed method of sewage disposal and sewer district
- Source of water; if water district, include name
- Type and classification of critical area or areas on-site
- An explanation of all features pertaining to critical area impacts, mitigations and other pertinent matters not readily identifiable in map form

- Legal description (type or print)
- A written statement regarding the general purposes of the project
- Vicinity map – show sufficient area and detail to clearly locate the project in relation to surrounding roads, parks, rivers and municipal boundaries up to at least 500 feet beyond project boundaries, beginning and end of lineal projects, name of all applicable political (county, city, etc.) jurisdictions
- Index map for lineal road and utility line projects or as needed for large sites requiring multiple plan sheets to display site area, including the following:
 - Entire length of project or area
 - Proposed and existing right-of-way lines
 - Location of road or utility plan sheets
 - Beginning and end of project
 - Project limits in side streets
 - Steep slopes and associated buffer areas
 - Wetlands, type and classification, and their buffers
 - Streams and lakes, type and classification, and their buffers
 - Flood hazard areas, flood fringe area, zero rise floodway and Federal Emergency Management Agency floodway, if applicable
 - Ordinary high and low water lines, if applicable
 - Map scale and north arrow

Site plans – drawn to a convenient engineer scale:

- Map scale and north arrow
- Property boundaries dimensioned and clearly and accurately delineated by a heavy line or color
- Boundary lines of adjacent tracts within 100 feet of the subject property.
- Locate, name and dimension all existing and proposed streets and other public ways, easements, utility and railroad rights-of-way within and adjacent to the proposed development. In the case of road or linear utility projects, also provide:
 - Beginning and end of project
 - Project limits on side streets

- Road or utility section line
- Proposed and existing right-of-way lines (with dimensions)
- Drainage and landscape easements (with dimensions)
 - ♦ Toe or fill
 - ♦ Edge of shoulder
 - ♦ Edge of pavement
 - ♦ Road centerline profile
 - ♦ All utilities
 - ♦ All culverts
 - ♦ Ditches, swales, channels, ponds
 - ♦ Driveways
 - ♦ Bridge structures
 - ♦ Retaining walls and rockeries
- Proposed improvements, including:
 - ♦ Cut and fill lines
 - ♦ Edge of shoulder
 - ♦ Edge of pavement
 - ♦ Back edge of sidewalk
 - ♦ Inside edge of curb
 - ♦ Road centerline and drainage profile
 - ♦ All utilities
 - ♦ All culverts
 - ♦ Ditches, swales, channels, ponds
 - ♦ Driveways
 - ♦ Bridge structures
 - ♦ Retaining walls and rockeries
 - ♦ Outfall protections

6. Reduced Site Plan: Submit one copy of a reduced site plan on an 8½-by-11-inch sheet.
7. Water Availability Certificate: Submit three copies, if required by DDES.

Preliminary approval for the creation of a new water system in accordance with the provisions of the applicable Coordinated Water System Plan, or for connection with a private well from the Seattle-King County Department of Public Health; **or**

The Certificate of Water Availability form concerning water availability to the site must be given to the appropriate existing water purveyor to complete (water district, city, water association) and returned with this application. At the top of the form, a space is provided for a description of the site. In this space, the legal description of the site should be inserted or attached on a separate sheet if it is too lengthy.

Note: For sites located in the Urban Growth Area, if the development is not proposing to be served by an existing or new Group A water system at the time of construction a Certificate of Future Connection must be given to the appropriate Group A purveyor to complete and then returned with this form.

8. Sewer Availability Certificate: Submit three copies, if required by DDES.

Preliminary approval for individual or community on-site sewage disposal systems from the Seattle-King County Department of Public Health must be submitted with this application; **or**

The Certificate of Sewer Availability form concerning sewer availability to the site must be given to the appropriate agency to complete (sewer district) and then returned with this application. At the top of the form, a space is provided for a description of the site. In this space, the legal description of the site should be inserted or attached on a separate sheet if it is too lengthy.

9. Interim Certificate of Future Water/Sewer Connection: Submit three copies, if required by DDES.

If the site is located in the Urban Growth Area and an interim on-site sewage system is proposed, consistent with the provisions of KCC 14.24.136, the following information is also required.

- A. The Certificate of Availability form must be submitted to the most logical sewer purveyor to complete (sewer district) and returned with this application along with a letter which demonstrates to the satisfaction of the director of the Department of Development and Environmental Services that the requirement to receive sewer service from the purveyor is unreasonable or unfeasible at the time of the construction; and
- B. A Certificate of Future Connection must be given to the appropriate agency to complete and then returned with this application.

10. Fire District Receipt: Obtain from the local fire district. Submit one copy.
11. Certificate of Transportation Concurrency: If required by KCC 14.70, submit one copy.

12. Environmental Checklist: (only if required by KCC 20.44) Submit 15 copies.

Please refer to instructions on the Environmental Checklist form. The applicant will be contacted by LUSD if additional information or clarity is required. Failure to respond may cause postponement of consideration of the request. If another agency is the State Environmental Policy Act (SEPA) lead agency for this project, submit both agencies 15 copies of the environmental checklist and threshold determination. If an Environmental Impact Statement (EIS) has been prepared for this proposal, submit three copies of the EIS with this application.

13. Level One Drainage Analysis: (required only if the thresholds for drainage review per the King County Surface Water Design Manual are met) Submit four copies.
14. Proof of Legal Lot Status: documentation of the date and method of segregation of the subject property. Submit one copy.
15. Certificate/Affidavit of Critical Areas Compliance: Submit one copy.
16. Applicant Legal Status Form: Submit one copy.
17. Copies of variance decisions required per King County Code 21A.
18. List of other historical issued or pending permits or decisions related to the proposal
19. Permit Review Fees
20. Critical Areas Study: Submit four copies.

Basically, a special study shall identify and characterize any critical area as a part of the larger development proposal site, assess any hazards to the proposed development, assess impacts of the development proposal on any critical areas on or adjacent to the development proposal site and assess the impacts of any alteration proposed on a critical area. Studies shall propose adequate mitigation, maintenance and monitoring plans and bonding measures. Critical area special studies shall include a scale map of the development proposal site and a written report.

21. Mitigation Plan: Submit four copies.

A mitigation plan is required if any alteration to a critical area or critical area buffer is proposed. At a minimum, the mitigation plan shall specify which mitigation of KCC 21A.24.170 is being utilized; and specify what actions will be taken to avoid, minimize or reduce impacts on a critical area.

22. Other Documents: optional at the time of application although LUSD may request or require submittal after the application has been filed.

Photographs, charts, petitions, letters, models, etc., may be submitted at the discretion of the applicant. Submittals should fit within an 8½-by-14-inch legal-size folder.

Check out the DDES Web site at www.metrokc.gov/ddes